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From the Editor

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[PRIVATE AND CONFIDENTIAL.]

AN ADDRESS

TO

THE LEGAL WORLD

ON THE

CENTRALISATION

OF THE

COURTS OF LAW AND EQUITY.

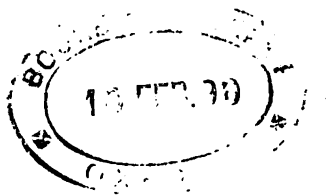
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S. TAYLOR, PRINTER,  
GEORGE YARD, DRURY LANE.

## **P R E F A C E.**

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To the Legal World these few observations on the Centralisation of the Courts of Law and Equity are most respectfully presented by its most humble and obedient servants,

**ROBERT ALFRED ROUTH,**

**AND**

**CHARLES WETHERELL ROWDEN,**

**14, Southampton Street, Bloomsbury.**



## AN ADDRESS,

ETC. ETC. ETC.

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THE inconveniencies arising from the scattered position of the superior courts of judicature of this country have often been the theme of discourse, and have been felt by all barristers and solicitors in the loss of their time, and by all suitors in the additional expences incurred. Their centralisation is a matter, the expediency of which cannot for one moment be doubted ; we will, therefore, proceed to explain the difficulties heretofore attending the carrying out this object, and also give a view of an entirely new method by which it is now proposed to accomplish this National Work.

This subject was brought before the House of Commons in the years 1841 and 1842, and upon the evidence then taken in Committee the real and only difficulty which arose, and, indeed, the one upon which the question was then negatived, was the mode of raising funds sufficient for the purposes of erecting the buildings ; the then Lord Chancellor objecting to apply any portion of the " Suitors' Fund " (which was suggested as the proper source from

which the amount required for building the courts should come), on the ground that it would be improper to apply that fund to a purpose which was not exclusively for the benefit of the suitors of the court of equity; but by the method now proposed it will be seen that this difficulty is surmounted, and the objection arising from the appropriation of the Suitors' Fund is removed.

We will now proceed to give an abstracted view of the mode here suggested, and for that purpose will adopt, as regards the building, its site, architectural form, and internal accommodation, the statement laid before the House of Commons by that eminent architect, Mr. Charles Barry.

His design was for the erection in the open space in Lincoln's Inn Fields of a building to contain twelve Courts of Law and Equity, with a common hall for the public, nearly equal to the area of Westminster Hall. It was proposed that each of the courts should have a room attached for the judges, a room for the judges' clerks, a room for barristers, a room for solicitors, and a room for witnesses. In the law courts means of access to the witness box without interruption from the public; on the same floor, retiring rooms for juries, for grand juries, for libraries, and for refreshments. It was also proposed that the whole records of the country should be arranged on the basement, combined with examining rooms, and the Masters' offices were to be arranged in the upper part of the building—thus forming under one roof all the courts and their appendages, so that barristers and solicitors attending different courts could always be found, and thus much valuable time saved which is now lost in running to and fro from Lincoln's Inn to Westminster and the Guildhall.

We will next proceed to discuss the cost of the building and the site on which it is to stand. Mr. Barry roughly estimates the cost of the building at £200,000; and the purchase of the valuable site of Lincoln's Inn Fields, and the expenses of the project to completion, we presume would not be less than £50,000.

Taking, then, the entire cost of the building, its site, and all other preliminary expenses, as stated, to be £250,000, the question then follows how to obtain the amount.

We propose that the Legislature should assist us in this universal good, and (temporarily) tax every proceeding in every action and suit, both at law and in equity; every deed, evidence, or writing whatsoever brought under the notice of any of the courts by production on trial, or otherwise, with the stamp of ONE PENNY; and on investigation we are confident it will be found that from the average yearly number of actions, suits, and matters brought before each of the courts, and the average number of proceedings in each of such suits, actions, and matters, each taxable with a stamp of one penny, an amount might be raised not only sufficient to pay interest on a loan at 4 per cent., as hereinafter mentioned, and to maintain the building and its officers, but also sufficient to raise a sinking fund to ultimately pay off the original cost, and clear the building of the loan. By this means (the penny stamp) it is proposed to obtain the bulk of income, but it must be borne in mind that the building will contain a general library (being the centralisation of the libraries of all the courts in one), robing rooms, consulting rooms, refreshment rooms, and arbitration rooms, each of which would return a considerable amount for

their use. This principle (the imposing on suitors a tax for the purpose of providing court houses and offices, and for paying off any moneys that may be borrowed for those purposes) is not entirely novel, for at present, under the County Courts Act (9th & 10th Vic., cap. 95), and by a subsequent order of her Majesty's Secretary of State, dated 15th of November, 1850, plaintiffs in those courts pay a fee in proportion to the amount of the debt sought to be recovered, which is transferred to an account called the "General Fund" of the county court, and this fund is applied in the following manner:—First, in the payment of interest on any sums borrowed; secondly, in payment of rent and other expenses necessarily incurred in holding the courts; and thirdly, in paying off the principal sums borrowed. It will be seen, then, that the system of obliging the suitor to pay for the convenience of the building in which his claim is heard has already been sanctioned by her Majesty's Government, and is at this time in full operation.

From the very nature of this scheme it will be apparent that in the first instance the amount requisite to complete the object in view must be obtained by Loan or Debenture; the most natural course seems to be temporarily to raise the £250,000 required by borrowing the same at 4 per cent from the fund called the "Suitors' Fund," that being the investment of unclaimed cash of the suitors, and at this time amounting to upwards of Three Millions, and to repay the same by a sinking fund created in the manner hereinafter mentioned.

The statistics proving the capabilities of this scheme we now add, which have been carefully collected, and show the clear presumptive income of £25,000 per annum.

The Equity Courts furnish the following statistics:—

The number of causes and other matters disposed of in the courts of equity during the years 1848, 1849, and 1850 averaged 8,000 distinct causes and proceedings.\*

2ND NOVEMBER, 1847, TO 1ST NOVEMBER, 1848.

	Appeal Motions and Special Motions.	Petitions.	GENERAL PAPER. Causes, Excep- tions, and Fur- ther Directions, and Exceptions and Further Directions.	SHORT. Causes and Further Directions.	Pleas, Demur- rers, and Objections.	Appeals and Re-hear- ings.	Total.
Lord Chancellor .	100	25	2	..	6	86	219
Master of the Rolls . . . . .	336	715	68	99	8	1	1,227
Vice Chancellor of England . .	1,018	2,185	89	416	36	..	3,744
Vice Chancellor Knight Bruce	969	611	344	103	32	3	2,062
Vice Chancellor Wigram . . . .	488	309	215	58	10	..	1,080
Total . . . .	2,911	3,845	718	676	92	90	8,332

2ND NOVEMBER, 1848, TO 1ST NOVEMBER, 1849.

	Appeal Motions and Special Motions.	Petitions.	GENERAL PAPER. Causes, Excep- tions, and Fur- ther Directions, and Exceptions and Further Directions.	SHORT. Causes and Further Directions.	Pleas, Demur- rers, and Objections.	Appeals and Re-hear- ings.	Total.
Lord Chancellor .	96	33	..	..	..	40	169
Master of the Rolls . . . . .	320	567	107	96	11	..	1,101
Vice Chancellor of England . .	1,127	2,294	222	287	14	..	3,944
Vice Chancellor Knight Bruce	1,179	726	347	142	32	..	2,426
Vice Chancellor Wigram . . . .	389	364	218	67	19	..	1,057
Total . . . .	3,111	3,981	894	592	76	40	8,697

\* Vide Parliamentary Return, "Chancery," 51.



## 2ND NOVEMBER, 1849, TO 1ST NOVEMBER, 1850.

	Appeal Motions and Special Motions.	Petitions.	GEN. PAPER. Causes, Excep- tions, and Fur- ther Direc- tions, & Excep- tions and Fur- ther Direc- tions.	SHORT. Causes and Further Directions	Plea, Demur- rers, and Objections	Ap- peals and Re- hear- ings.	Claims	Total
Lord Chancellor.	139	37	..	..	..	50	..	226
Master of the Rolls .....	355	601	37	85	20	..	18	1,116
Vice Chancellor of England ..	960	1,521	129	222	14	..	4	2,850
Vice Chancellor Knight Bruce	1,357	1,345	262	344	26	..	138	3,472
Vice Chancellor Wigram ....	285	220	98	86	3	..	..	692
Total ....	3,096	3,724	526	737	63	50	160	8,356

Taking the average, therefore, of folios contained in each of these 8,000 proceedings at 500 (some being nearly 1,000), the imposition of a penny stamp per folio would produce a revenue of £16,666 per annum, beyond which it is proposed that every warrant, order, or other process issued by the court should also bear the like stamp; that every plea, answer, demurrer, and replication should also bear the like stamp. This course, it is clear, would bring a revenue of considerable importance.

The Common Law Courts show the following statistics:—

The total number of causes and other proceedings in the courts of common law average yearly 195,929.\*

The number of writs on mesne process, appearances, rules to plead, pleading fees, records passed, and judgments in civil causes, in the Courts of Queen's Bench, Common Pleas, and Exchequer, in the years 1846, 1847, 1848, and 1849, were

\* Vide 1st Report of Commissioners for Inquiring into the Practice of the Superior Courts of Common Law.

## COURT OF QUEEN'S BENCH.

	1846.	1847.	1848.	1849.
Number of Writs on Mesne Process	46,694	33,127	31,770	28,734
„ Appearances . . . . .	24,347	19,015	17,656	15,819
„ Rules to Plead . . . . .	17,219	13,483	12,124	10,930
„ Pleading Fees . . . . .	3,182	2,689	2,380	2,132
„ Records passed . . . . .	1,916	1,769	1,739	1,524
„ Final Judgments . . . . .	10,561	9,346	8,995	8,009
„ Judgments on Verdicts } and Writs of Trial . . }	945	854	609	711
„ Judgmnts on Inquisition	103	92	46	71
„ Judgments on Non Pros.	84	77	40	34
„ Judgments on Non Suit	95	134	87	136
			Total ..	68,070

## COURT OF COMMON PLEAS.

	1846.	1847.	1848.	1849.
Number of Writs on Mesne Process	24,153	19,908	18,152	16,083
„ Appearances . . . . .	12,567	11,347	9,962	8,895
„ Rules to Plead . . . . .	9,304	8,867	7,648	6,671
„ Pleading Fees . . . . .	1,524	1,688	1,475	1,301
„ Records passed . . . . .	904	1,037	965	832
„ Final Judgments . . . . .	4,240	4,605	4,169	3,708
„ Final Judgments on } Verdicts . . . . . }	351	378	415	379
„ Writs of Trial . . . . .	138	137	61	76
„ Inquisitions . . . . .	50	42	36	38
„ Non Pros . . . . .	27	41	24	21
„ Non Suit . . . . .	60	98	73	63
			Total ..	38,067

## COURT OF EXCHEQUER.

	1846.	1847.	1848.	1849.
Writs on Mesne Process . . . . .	58,652	44,239	41,758	40,043
„ Appearances . . . . .	28,421	23,760	21,296	19,692
„ Rules to Plead . . . . .	21,569	17,563	16,375	15,086
„ Pleading Fees . . . . .	3,925	3,531	3,368	2,799
„ Records passed . . . . .	2,499	2,389	2,370	1,975
„ Final Judgments . . . . .	11,608	10,777	10,375	9,112
Final Judgments on Verdicts . . . .	912	875	877	750
„ Writs of Trial . . . . .	359	221	104	105
„ Inquisitions . . . . .	109	98	73	75
„ Non Pros . . . . .	61	78	42	46
„ Non Suit at Nisi Prius . .	49 } 131	50 } 149	55 } 146	60 } 109
„ As in case of Non Suit . .	82 }	99 }	91 }	49 }
			Total ..	89,792

Taking, therefore, the minimum number of matters transacted in any one year, being that of the year 1849, we find the total returns show thus:—

In the Court of Queen's Bench .....	68,070
In the Court of Common Pleas .....	38,067
In the Court of Exchequer .....	89,792
	<u>195,929</u>

The number of records passed in the year 1849 in the three superior courts were, as shown by the above return,

In the Queen's Bench .....	1,524
In the Common Pleas .....	832
In the Exchequer .....	1,975
	<u>4,331</u>

The number of causes tried in London and Middlesex during the year 1849 was—

COURT OF QUEEN'S BENCH.

MIDDLESEX.		LONDON.	
HILARY TERM.		HILARY TERM.	
1st Sitting in .....	23	The Sitting in .....	5
2nd Sitting in .....	24	Sitting after .....	28
3rd Sitting in* .....	47		
Sittings after .....	62		
Total tried at Sittings in and } after .....	109	Total tried at Sittings in and } after .....	33
EASTER TERM.		EASTER TERM.	
1st Sitting in .....	9	The Sitting in .....	7
2nd Sitting in .....	4	Sitting after .....	12
3rd Sitting in .....	11		
Sitting after .....	24		
Sitting after .....	14		
Total tried at Sittings in and } after .....	38	Total tried at Sittings in and } after .....	19
TRINITY TERM.		TRINITY TERM.	
1st Sitting in .....	10	The Sitting in .....	2
2nd Sitting in .....	19	Sitting after .....	11
3rd Sitting in .....	5		
Sitting after .....	34		
Sitting after .....	67		
Total tried at Sittings in and } after .....	101	Total tried at Sittings in and } after .....	13

\* The entry of the number of causes tried at this sitting has been mislaid.

## MICHAELMAS TERM.

1st Sitting in . . . . .	13	The Sitting in . . . . .	4
2nd Sitting in . . . . .	4	Sittings after . . . . .	35
3rd Sitting in . . . . .	8		
	25		
Sitting after . . . . .	39		
Total tried at Sittings in and after . . . . .	64	Total tried at Sittings in and after . . . . .	39
Total number tried at Sittings in four Terms . . . . .	130	Total number tried at Sittings in four terms . . . . .	18
Total number tried at Sittings after four terms . . . . .	182	Total number tried at Sittings after four terms . . . . .	86
Total tried in Middlesex . . . . .	312	Total tried in London . . . . .	104
		The like Middlesex . . . . .	312
Total tried in London and Middlesex during the year 1849 ..		416	

## COURT OF COMMON PLEAS.

The number of causes tried in the Court of Common Pleas in Middlesex and London during the years 1849 :—

(Before the Honourable Sir THOMAS WILDE, Knight.)

HILARY TERM, 1849.	Number of Causes Entered.	NUMBER OF CAUSES TRIED.	
		Defended.	Undefind.
MIDDLESEX.			
Sittings in Term .....	55	2	7
Sittings after Term ..... { Remanets, 32 } { New Causes, 30 }	62	29	2
LONDON.			
Sittings in Term .....	47	12	6
Sittings after Term ..... { Remanets, 51 } { New Causes, 43 }	94	18	2
Total Hilary Term .....	258	61	17

EASTER TERM, 1849.	Number of Causes Entered.	NUMBER OF CAUSES TRIED.	
		Defended.	Undefind.
MIDDLESEX.			
Sittings in Term .....	42	9	5
Sittings after Term ..... { Remanets, 25 } { New Causes, 30 }	55	6	4
LONDON.			
Sittings in Term .....	48	3	8
Sittings after Term ..... { Remanets, 80 } { New Causes, 27 }	107	4	2
Total Easter Term .....	252	22	19

TRINITY TERM, 1849.	Number of Causes Entered.	NUMBER OF CAUSES TRIED.	
		Defended.	Undefded.
MIDDLESEX.			
Sittings in Term .....	36	7	5
Sittings after Term..... { Remanets, 41 } { New Causes, 48 }	89	21	8
LONDON.			
Sittings in Term .....	30	5	8
Sittings after Term ..... { Remanets, 87 } { New Causes, 63 }	150	23	5
Total Trinity Term .....	305	56	26

MICHAELMAS TERM, 1849.	Number of Causes Entered.	NUMBER OF CAUSES TRIED.	
		Defended.	Undefded.
MIDDLESEX.			
Sittings in Term .....	38	13	11
Sittings after Term . . . { Remanets, 27 } { New Causes, 35 }	62	13	3
LONDON.			
Sittings in Term .....	23	5	4
Sittings after Term ..... { Remanets, 74 } { New Causes, 64 }	138	20	5
Total Michaelmas Term .....	251	51	23
Total number of Causes tried in 1849..	..	190	85

The number of causes tried in the Court of Common Pleas in Middlesex and London during the year 1850 :—

(Before the Right Honourable Sir THOMAS WILDE, Knight.)

HILARY TERM, 1850.	Number. of Causes Entered.	NUMBER OF CAUSES TRIED.	
		Defended.	Undefnd.
MIDDLESEX.			
Sittings in Term .....	43	7	8
Sittings after Term ..... { Remanets, 30 } { New Causes, 30 }	60	18	2
LONDON.			
Sittings in Term .....	39	39	3
Sittings after Term ..... { Remanets, 74 } { New Causes, 55 }	129	129	4
Total Hilary Term.....	261	49	17

EASTER TERM, 1850.	Number of Causes Entered.	NUMBER OF CAUSES TRIED.	
		Defended.	Undefnd.
MIDDLESEX.			
Sittings in Term .....	45	16	3
Sittings after Term ..... { Remanets, 39 } { New Causes, 26 }	65	3	1
LONDON.			
Sittings in Term ... ..	82	9	8
Sittings after Term ..... { Remanets, 88 } { New Causes, 23 }	111	5	..
Total Easter Term .....	253	33	12

TRINITY TERM, 1850.	Number of Causes Entered.	NUMBER OF CAUSES TRIED.	
		Defended.	Undefnd.
MIDDLESEX.			
Sittings in Term .....	24	9	3
Sittings after Term ..... { Remanets, 50 } { New Causes, 44 }	94	10	3
LONDON.			
Sittings in Term .....	17	10	3
Sittings after Term ..... { Remanets, 89 } { New Causes, 58 }	147	28	4
Total Trinity Term .....	282	57	13

(Before the Right Honourable Sir JOHN JERVIS, Knight.)

MICHAELMAS TERM, 1850.	Number of Causes Entered.	NUMBER OF CAUSES TRIED.	
		Defended.	Undefnd.
MIDDLESEX.			
Sittings in Term . . . . .	48	10	9
Sittings after Term . . . . { Remanets, 63 } { New Causes, 31 }	94	28	3
LONDON.			
Sittings in Term . . . . .	24	6	5
Sittings after Term . . . . { Remanets, 69 } { New Causes, 55 }	124	29	4
Total Michaelmas Term . . . .	290	73	21
Total number of Causes tried in 1850..	..	212	63

## COURT OF EXCHEQUER.

In London.		In Middlesex.	
Defended .....	117	Defended .....	204
Undefended .....	55	Undefended .....	109
Total .....	172	Total .....	310

The total number of Causes tried in the three superior courts will, therefore, be found to be thus :—

In the Court of Queen's Bench during the year 1849....	415
In the Court of Common Pleas during the year 1850....	275
In the Court of Exchequer during the year 1849.....	482
	<u>1,172</u>

As the principle of taxing folios cannot so well be applied to matters at common law as to those in equity, we think that to each of these proceedings a stamp of one penny should be affixed. On all Records passed a stamp of 10s., and on all Causes tried in the new courts there should be a fee of One Pound payable. This would produce a revenue of £4,000 a year or upwards.

Further than the several stamps on the above proceedings in actions at common law (the average number of which are clearly shown to be correct), we propose, as before stated, that every paper, document, or writing that is issued, passed, or produced by or before any of the courts or offices relating thereto, should bear the like stamp of one penny. There remains, therefore, to calculate the several Summonses issued by a judge at chambers, Rules, Orders, Subpoenas, Exhibits on trial, Writs of execution, the taxation of costs, besides other interlocutory proceedings not here mentioned; but for the purposes of this scheme let us presume the averages on the above calculations of proceedings at law. Take, for instance, that in the 1,524 Records passed in the Queen's Bench there were issued, between the sealing of the writ of summons and the

passing the Record, four Judges' Summonses, three Rules, and three Orders, and we find thus :—

Summonses.	Rules.	Orders.
1,524	1,524	1,524
4	3	3
<hr/>	<hr/>	<hr/>
6,096	4,572	4,572
		4,572
		6,096
		<hr/>
		15,240

In the 832 Records passed in the Court of Common Pleas, say there were the like number of summonses, rules, and orders, thus:—

Summonses.	Rules.	Orders.
832	832	832
4	3	3
<hr/>	<hr/>	<hr/>
3,328	2,496	2,496
		2,496
		3,328
		<hr/>
		8,320

In the 1,975 Records passed in the Court of Exchequer, say there were the like number of summonses, rules, and orders, thus :—

Summonses.	Rules.	Orders.
1,975	1,975	1,975
4	3	3
<hr/>	<hr/>	<hr/>
7,900	5,925	5,925
		5,925
		7,900
		<hr/>
		19,750

Again, take that in the 1,172 trials there were in each case three subpoenas, three exhibits; one in every ten moved for a new trial, and in one-third executions were issued, thus :—

Subpoenas.	New Trials.	Executions.
1,172	10)1,172	3)1,172
3		
<hr/>	<hr/>	<hr/>
3,516	117	390
117		
390		
<hr/>		
4,023		



Still further might we add (but without any authenticated statistic before us we do not venture) the amount that would be raised by the levy of the one penny stamp on all matters brought before the law courts on motions, appeals, certiorari, writs of error, mandamus.

The site of the courts, as suggested, consisting of the area of Lincoln's Inn Fields, together with the preliminary expenses attending this work, could not, we imagine (as before stated) exceed a cost of £50,000, and the building itself, constructed and arranged according to Mr. Barry's plan, would, by his calculation, cost £200,000—together £250,000. The interest on this sum at £4 per cent. would be £10,000 per annum; to meet this, according to the foregoing statements, there would be an income of £16,666 arising from the equity courts, and an income of £5,000, or thereabouts, from the common law courts, and a further income from the subscription to the library, robing rooms, fees on consultations, and refreshment rooms of about £4,000, making together a revenue of £25,000 per annum.

Let us then presume that the loan of £250,000 from the Suitors' Fund has been granted us for the purposes of this National Work at the rate of interest before mentioned; that the building, when complete, and courts fully occupied, will, to sustain it in working order, including payment of its officers, cost annually the sum of £8,000. We find the revenue of £25,000 will be disposed of in the following manner: £8,000 maintenance fund, £10,000 interest on loan, £7,000 as a sinking fund to pay off the principal borrowed, which would be accomplished in *thirty-five* years, when the building would be free.

For the purposes of proving the possibility of raising the

above revenue, we have taken into account the amounts receivable from the proceedings in both branches of the courts, adding also, in order to increase our income, the amount that would be receivable for the use of the consultation rooms, library, refreshment, and arbitration rooms. There are upwards of 5,000 professional men, barristers, and solicitors in the metropolis, two-thirds of whom, let us presume, would subscribe to the library. This alone, at a subscription of one guinea each subscriber, would produce £3,000. The number of gentlemen at present practising at the bar is 500, or thereabouts, all of whom, it is presumed, would subscribe one guinea per annum for the use of the robing rooms; this would increase the revenue another £500 per annum. Again, take the consultations in each branch of law and equity to amount to 500 per annum, we find, at a fee of 10s. for the use of the room on each consultation, another addition of £500 to our income.

Seeing, then, how by these numerous methods an addition of considerable importance is made to the revenue, we venture to assert that annually there would be forthcoming from these several sources a sum very little, if at all, short of £25,000 before mentioned.

Finally, in placing this little pamphlet in the hands of the legal world, we are aware of its many imperfections, its crude construction, and want of arrangement, but it is with an earnest hope that through it we may obtain the co-operation of those who only require to be awakened to the importance of a public matter to apply themselves to its completion with energy. It ought to be, and we hope it is, a question teeming with interest, not only to

the legal world, but to every British subject. It is a grand National Work, worthy consideration.

We have our new Houses of Parliament rearing their heads at Westminster—let us hope then ere long to see the new Law Courts centralised in the open space of Lincoln's Inn Fields, within the walls of a Building, a monument of the architecture of this nation, and adding another pillar to its greatness.

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All communications on the subject of the law courts centralisation to be addressed to "The Committee for the Centralisation of the Law Courts, 14, Southampton Street, Bloomsbury Square."













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